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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,785	07/28/2003	Eric L. Andersen	10992880-3	4514

7590

11/02/2005

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EXAMINER

GIBBS, HEATHER D

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/628,785

Applicant(s)

ANDERSEN ET AL.

Examiner

Heather D. Gibbs

Art Unit

2622 2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/12/05, 10/06/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed July 15, 2005 have been fully considered but they are not persuasive. Applicant argues, "Hattori does not teach a *detector adapted to detect when the automatic document feeder is opened and to detect a leading edge of the first original document*". Upon further review, the Examiner respectfully disagrees. The detector, which detects when the ADF is opened, can be found in Col 3 Lines 59-67 and the detector for the leading edge of the original document is found in Col 3 Lines 37-51.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itoh (US 5,878,319) in view of Hattori *et al* (US 5,971,388).

Regarding claim 1, Itoh teaches of an image scanner comprising: a single contact disposed on a main body, the contact glass 2 having a first range through which a first original document is passed to be scanned, and a second range over which a second original document is positioned to be scanned, the second range including the first range; an image sensor 21 scanning the first original at a fixed position in the first range and scanning the second original document while the image sensor moves through the second range (Col 3 Lines 33-67); an automatic document

feeder6 arranged on the main body covering the contact glass 2 and being openable to exposed the contact glass 2, the automatic document feeder 6 conveying the first original document through a feed path to the fixed position and ejecting the first original document through an ejecting path from the fixed position (Col 3 Lines 57-67 and Col 4 Lines 7-39 and Fig 7).

Itoh does not teach of a detector adapted to detect when the automatic document feeder is opened and to detect a leading edge of the first original document whenever a document page is conveyed along the feed path to the first fixed position.

Hattori teaches of a detector 18 that detects when the document cover is opened and when a leading edge has been detected (Col 5 Lines 19-54 and Fig 4C).

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to combine Hattori's detector in the image scanning apparatus of Itoh. Itoh's image scanning apparatus would easily be modified to include Hattori's detector as means of informing the user of any problems that occur.

Regarding **claim 2**, Itoh teaches wherein the detector 21 is operatively mounted on the automatic document feeder 6. (Col 3 Lines 33-37 and Figs 4 and 5).

4. **Claims 3-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Itoh (US 5,878,319) in view of Hattori et al (US 5,971,388) as applied to claims 1-2 above, and further in view of Qualliam (US 5,441,247).

Considering **claims 3-4**, Itoh and Hattori disclose the image scanner as described above but fails to particularly point out wherein the detector comprises an

optical switch and wherein the optical switch provides a light beam which is operatively interrupted by a pivotally mounted swing member.

Qualliam teaches of a sensor in a sheet feeding apparatus that can be optical switches or mechanical switches. As sheets are removed from the stack P, feeder mechanism 24 must pivot downwardly to engage the stack (Col 5 Lines 1-13).

Therefore, at the time of the invention it would have been obvious to one of ordinary skill in the art to combine Qualliam's detector with the image scanner of Itoh and Hattori. Itoh and Hattori's image scanner would easily be modified to include Qualliam's detector to deflect moving sheets from the automatic document feeder.

5. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Itoh (US 5,878,319) and Hattori et al (US 5,971,388) as applied to claim 1 above, and further in view of Hirose et al (US 4,791,451).

Itoh and Hattori disclose the image scanning apparatus as discussed above in claim 1, but fail to particularly point out wherein it further comprises an automatic document feeder controller, the detector electrically coupled to the preventing the conveyance of a document page of the first original document to the fixed position whenever a document page of the second original document is positioned on the contact glass in the second range.

Hirose teaches of an automatic document feeder and document size detecting means that are provided on the automatic document feeder for detecting a size of a document, a contact glass on which the document is set automatically by the automatic document feeder, stopping position control means for controlling a stopping position of

the document on the contact glass depending on the size of the document detected in the document size detecting means (Col 2 Lines 18-37).

Therefore, it would have been obvious to one of ordinary skill in the art to further include the automatic document feeder controller of Hirose's with the image scanner of Itoh and Hattori. Itoh and Hattori's image scanner would easily be modified to further include ADF controller means to control documents conveyed from the automatic document feeder.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-7PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hdg



Heather D Gibbs
Examiner
Art Unit 2622


EDWARD COLES
SUPERVISOR, ART EXAMINER